

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

Now pending before the court is defendants' MOTION FOR ATTORNEY'S FEES filed pursuant to the December 15, 2005 Order (#46). Defendant was awarded costs and fees at the time the court granted defendant's motion to Reissue Notice of Collective Action (#37).

The pending motion shows that counsel expended 3.6 hours in preparing correspondence and filings addressing various defects in plaintiff's notices. Noting plaintiff's objection, while the court is satisfied that non-complying notices were inadvertently forwarded to the court for approval, and a only a single non-complying notice was inadvertently mailed to Mr. Tom Kelly, the court agrees that defense counsel acted appropriately in bringing this matter to the court's attention. The plaintiff was given leave to distribute specific forms, and it was not the duty of defense counsel to proofread the plaintiff's notices.

The court finds that counsel spent a reasonable amount of time on this issue. I further find that defense counsel's \$150.00 hourly rate reflects a reasonable charge for professional legal services in this court by lawyers regularly employed to perform like services.

IT IS ORDERED that defendant's MOTION FOR ATTORNEY'S FEES (#46) is granted in the amount of \$540.00, said amount to be paid or offset at the time of final judgment.

DATED January 10, 2006.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**